

## Calendar No. 329

106TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
106-194

### REPORTS TO CONGRESS—PROVIDING FOR THE CONTINUATION OF AN ENDANGERED SPECIES ACT REPORT

OCTOBER 18, 1999.—Ordered to be printed

Mr. CHAFEE, from the Committee on Environment and Public Works, submitted the following

### REPORT

[to accompany S. 1744]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works having considered the same, reports favorably an original bill (S. 1744), to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be required to be submitted, and recommends that the bill do pass.

#### GENERAL STATEMENT AND BACKGROUND

The Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66), directed the Administration to submit a report to the Clerk of the House listing unnecessary statutory reporting requirements for Federal agencies. The reporting requirements listed by the Administration will sunset on December, 21, 1999, unless Congress takes action to retain the requirements. While the Environment and Public Works Committee is supportive of efforts to eliminate unnecessary reporting requirements, several of the reports due to be eliminated are useful to the Committee and should be continued.

One of the reports that should be continued is authorized by section 18 of the Endangered Species Act (ESA). Section 18 of the ESA

requires the Fish and Wildlife Service of the Department of the Interior to annually report to Congress on “reasonably identifiable” expenditures for the conservation of threatened and endangered species. All Federal agencies and those States receiving section 6 grant-in-aid funds under the ESA are required to provide information for the section 18 report. The report contains a species-by-species breakdown of the Federal and State expenditures for conservation of that species.

The last report was made for fiscal year 1995. In 1995, an aggregate total of \$312 million was spent on 925 threatened and endangered species. Six species, one endangered and 5 threatened, accounted for roughly half of the reported expenditures. The median total expenditure for species receiving at least \$100 was \$30,000. The largest expenditure for a species was \$35 million for the chinook Salmon in the Snake River spring/summer run.

The cost information provided by the section 18 report is crucial to sound wildlife policy. The information provides public accountability to wildlife conservation spending and helps to indicate areas where inadequate resources are hampering conservation efforts. Senator Crapo, Chairman of the Fisheries, Wildlife, and Drinking Water Subcommittee, brought the importance of the section 18 report to the Committee’s attention.

#### OBJECTIVE OF LEGISLATION

The bill continues to require the Secretary of the Department of the Interior to submit the report specified under section 18 of the Endangered Species Act to the Congress.

#### REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact of the reported bill. The reported bill will have no regulatory impact. This bill will not have any effect on the personal privacy of individuals.

#### MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), the committee finds that this bill would impose no Federal intergovernmental unfunded mandates on State, local or tribal governments. All of its governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

#### LEGISLATIVE HISTORY

On September 29, 1999, the Committee on Environment and Public Works, in a business meeting, considered a draft bill to provide that certain environmental reports shall continue to be required to be submitted to the Congress. During consideration of the bill, Senator Crapo proposed an amendment to add an additional report to the bill. The amendment was agreed to by voice vote. The committee voted, by voice vote, to favorably report the bill, as

amended, and then, by unanimous consent, agreed to file the bill as three separate bills. No rollcall votes occurred on the measure.

#### COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 13, 1999.*

Hon. JOHN H. CHAFEE, *Chairman,*  
*Committee on Environment and Public Works,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for a bill to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be required to be submitted.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

DAN L. CRIPPEN.

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#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

*A bill to amend the Endangered Species Act of 1973 to provide that certain species conservation reports shall continue to be required to be submitted, as ordered reported by the Senate Committee on Environment and Public Works on September 29, 1999*

This bill would amend The Endangered Species Act to require the U.S. Fish and Wildlife Service to continue to prepare annual reports to the Congress on the Federal and State costs to implement that Act. The requirement to submit these reports would otherwise end on December 21, 1999 under the Federal Reports Elimination and Sunset Act of 1995. CBO estimates that enacting this legislation would have no significant impact on Federal spending because these reports are fully computerized and not difficult to produce. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. This bill contains no intergovernmental mandates or private-sector mandates as defined in the Unfunded Mandates Reform ACT and would not affect the budgets of State, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

## CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

## UNITED STATES CODE—TITLE 16—CONSERVATION

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## CHAPTER 35—ENDANGERED SPECIES

\* \* \* \* \*

**Sec. 1544. Annual cost analysis by Fish and Wildlife Service**

**【On】** *Notwithstanding section 3003 of Public Law 104-66 (31 U.S.C. 1113 note; 109 Stat. 734), on or before January 15, 1990, and each January 15 thereafter, the Secretary of the Interior, acting through the Fish and Wildlife Service, shall submit to the Congress an annual report covering the preceding fiscal year which shall contain—*

(1) an accounting on a species by species basis of all reasonably identifiable Federal expenditures made primarily for the conservation of endangered or threatened species pursuant to this chapter; and

(2) an accounting on a species by species basis of all reasonably identifiable expenditures made primarily for the conservation of endangered or threatened species pursuant to this chapter by States receiving grants under section 1535 of this title.

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